

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Barbara McDaniel, MMC, Assistant Town Clerk/954-797-1023

PREPARED BY: Barbara McDaniel, MMC, Assistant Town Clerk

SUBJECT: December 17, 2007 minutes

AFFECTED DISTRICT: n/a

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: December 17, 2007 (Workshop Meeting)

REPORT IN BRIEF: Council minutes from the December 17, 2007 Council meeting.

PREVIOUS ACTIONS: n/a

CONCURRENCES: n/a

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Motion to approve

Attachment(s): December 7, 2007 minutes

**TOWN OF DAVIE
WORKSHOP MEETING
DECEMBER 17, 2007**

The meeting was called to order at 6:04 p.m. and was followed by the Pledge of Allegiance.

Present at the meeting were Mayor Truex, Vice-Mayor Caletka (departed 8:14 p.m.) and Councilmembers Luis and Starkey. Also present were Town Administrator Shimun, Town Attorney Rayson and Town Clerk Muniz recording the meeting. Councilmember Crowley was absent.

Housing & Community Development Director Shirley Taylor-Prakelt described the problem of affordable/workforce housing in Davie, which had been exacerbated by the closure of mobile home parks, and the creation of the Mobile Home Task Force to study the issue and propose possible solutions. Frank Serra, Task Force Chair, described the efforts of the Task Force, and introduced the members. Ms. Taylor-Prakelt introduced State Representative Evan Jenne who had attended many of their meetings. Representative Jenne commended Council for having the foresight to address this issue.

Jim Carras, Carras Community Investments Inc., provided a PowerPoint presentation summarizing the recommendations of the Task Force and explained that a majority of the Task Force members had agreed to the recommendations. He described average housing prices and average income for residents, illustrating the affordability crisis for the Town's workforce.

Mr. Carras stated that the Task Force had identified best practices in Florida and throughout the country to create their recommendations. In Brevard County, the Comprehensive Plan included the following requirements:

- determine household displacements and development relocation plans and strategies for mitigation
- provide displaced residents with prompt, equitable compensation or help locating comparable housing
- create an affordable housing ordinance requiring developers to replace affordable units on a one-to-one ratio
- affordable housing incentives:
 - ~ impact and permit fee deferrals
 - ~ density bonuses
 - ~ transfer development rights
 - ~ infill development

Mr. Carras stated that Pinellas County had passed a mobile home transition ordinance which required developers seeking re-zoning to:

- show there was adequate affordable housing available for displaced residents **or**
- pay into a fund for displaced residents
- compensation costs based on the difference between average lot rent and a comparably-sized rental unit times 24 months
- pay an administrative fee to the County Housing and Community Development Department to defray costs of overseeing the mitigation program

Mr. Carras pointed out that individualized replacement plans were customized for each resident in Pinellas County and the County also had a parks saver loan program that provided funds to assist residents in purchasing their lots when mobile home communities converted to resident ownership.

Mr. Carras believed that one of the most critical best practices had been initiated in New Hampshire where there was a mobile home crisis in the 1980s. A financial institution called the New Hampshire Loan Fund provided financing to park residents to allow the parks to be converted to resident-owned communities. They also advised the residents on how to operate a cooperative to manage the park. Mr. Carras indicated that this program had been a tremendous success and similar programs had been created across the country using New Hampshire's model.

Mr. Carras described the Community Land Trust model, a nonprofit corporation that owned mobile home park land and offered long-term leases to low and moderate income families. Lease restrictions were used to preserve affordability.

Mr. Carras reported that the Task Force had identified goals and created specific recommendations:

- provide financing opportunities for the economic viability of the mobile home communities
 - ~ consider existing resources such as grants and bonds available through the State, County and community development institutions
 - ~ identify gap financing to convert parks to resident ownership or community land trusts
 - ~ consider 501(C)(3) nonprofit bonds and Town-issued bonds
- provide further affordable housing in the Town
 - ~ institute inclusionary zoning, requiring a percentage of affordable units in all new development or require payment into the housing trust fund
 - ~ collect a linkage fee for new commercial development
 - ~ create a housing trust fund funded by the linkage fees and inclusionary zoning opt out fees
 - ~ mandate that a percentage of TIF funds in the CRA be used for affordable housing
 - ~ utilize land banking
 - ~ allowing accessory dwelling units
- promote and encourage asset building among mobile homeowners
 - ~ form homeowner's associations and co-ops in each mobile home community
 - ~ create a land trust or partner with an existing land trust
 - ~ work with local technical assistance provider to assist in co-op conversions
- provide housing alternatives for residents displaced by closure of mobile home communities
 - ~ require mandatory exit plans for mobile home conversions
 - help residents find affordable, sustainable housing
 - replace the asset/satisfy the mortgage on the mobile unit
 - offer down payment assistance or rent gap financing
 - increase staffing to accomplish these requirements
- provide incentives to maintain and preserve viable mobile home communities
 - ~ offer low interest loans for home improvements
 - ~ create affordable housing incentives for mobile home communities
 - ~ work with property appraiser to tax mobile home communities on current use or rental income not on best and highest use
- evaluate implementation of recommendations and review status of ongoing mobile home issues
 - ~ increase staffing to facilitate proper oversight
 - ~ educate the public and development community about intricacies of the mobile home issue
- advocate for County and State policy and program improvements
 - ~ State Statute 723
 - ~ encourage and support mobile home moratoriums elsewhere

- ~ impose the increase in school impact fees for mobile homes
- provide for the reuse of existing mobile home communities to meet needs
- ~ expand declaration of affordable housing crisis in Davie
- ~ utilize the requirements of the Growth Management Act of 1985 as part of the comprehensive plan

Mr. Carras described “critical tools” the Task Force believed the Town should institute:

- an Affordable Housing Trust Fund to help with mitigation costs for displaced residents, to fund development of new affordable housing and to address gap financing
- inclusionary zoning should be instituted “across the board”
- collection of a linkage fee on commercial development
- mandatory exit plans for any park closure
- bonus densities for affordable housing

Other tools the Task Force felt should be considered included:

- issuance of municipal bonds for affordable housing
- encouragement of employers to assist their employees with housing programs
- further identification of Town-owned sites for development of affordable housing and land banking
- use of CRA TIF funds for affordable housing
- partnering/creation of community land trust
- collection of impact fees

Ms. Taylor-Prakelt remarked on the recent changes in the real estate market and pointed out that prices had still not come down to affordable levels for people earning up to 120% of the median income. She said that the State Statutes were so antiquated, they did not protect residents and explained existing compensation the State Statute afforded displaced mobile home residents.

Ms. Taylor-Prakelt warned that if this issue were not addressed, the Town would suffer serious economic impacts as the workforce was lost and businesses ceased relocating to Davie. She asked Council to consider tools they could adopt to keep the residents in the Town, employed and properly housed.

Councilmember Luis asked about developers’ contributions to the mitigation fund in Pinellas County. Mr. Carras explained that in Pinellas County, the developer must provide a relocation plan for each resident and the plan must address the resident’s housing needs for a 24-month period, plus an administrative fee. He described the creation of an Affordable Housing Trust Fund funded through fees paid by new development and administrated through the Town. Mr. Carras explained that in addition to bonus density, developers could be offered other incentives such as reduced impact fees and a faster approval process.

Ms. Taylor Prakelt advised that the Town currently had affordable housing incentives for developers but increased density incentives must be considered because of the cost of land. Mr. Carras agreed that the Town would be “extremely challenged” to reach any affordable housing goals without density incentives.

Councilmember Starkey requested additional information about a California affordable housing bond initiative. This included bonus densities and green initiatives, which Council had been looking at. Councilmember Starkey asked Acting Development Services Director Marcie Nolan about utilizing a zoning in progress for affordable housing development. Ms. Nolan explained that zoning moratoriums and zonings in progress were used to achieve the same results. She reminded Council that the Town was in the process of amending the land development regulations for the Regional Activity Center (RAC) and the Town had identified the targeted redevelopment areas for increased density, heights and affordability. She was not sure a zoning in progress would be needed. Councilmember Starkey noted that many mobile homes parks were located outside the RAC and Council may want to consider a zoning in progress for all areas with mobile home parks. Councilmember Starkey thanked Mr. Carras, the Task Force members and Ms. Taylor-Prakelt for their efforts.

Vice-Mayor Caletka asked for Mr. Rayson's opinion regarding the recommendations and requested that Mr. Rayson categorize the recommendations by their ability to withstand legal challenge. Vice-Mayor Caletka wanted to address one recommendation per Council meeting.

Mayor Truex opened the meeting for public comment.

Myrna Gallo recommended that presidents of mobile home owners associations be permanent residents, "someone who has something to lose." She feared that affordable housing units would be taken by "foreigners" as second homes.

Mitzi Clark asked Council to consider extending the moratorium while they considered the recommendations. She noted that "government is not fast at fixing anything at all."

Janet Riley asked Council not to lose courage now. She warned that if recommendations were not adopted, the workforce would leave and the Town would have many homeless people. Ms. Riley also urged Council to extend the moratorium.

Mr. Serra agreed that Council needed to extend the moratorium to allow time to implement recommendations. He asked that a resolution be placed on Council's next agenda to extend the moratorium for one year.

Mitchell Chester believed that this issue could be the "single most important issue that you'll deal with in your tenures on the Town Council." He remarked on the wonderful job the Task Force had done, and cautioned that there must be "physical" as well as "paper" solutions. Mr. Chester stated that there must be a private right of enforcement through Town ordinances and he believed that homeowner's associations at mobile home parks should be mandatory. Failing that, there should be a default organization in the Town to serve this purpose. Mr. Chester felt there should be a mobile home tenants' Bill of Rights ordinance outlining residents' rights to: form homeowner's associations; seek administrative and judicial relief; and pursue a private cause of action. He suggested a strong initiative from Council to set the example for employer-assisted housing programs. Mr. Chester believed that Broward County must be involved with this issue, and the moratorium should be extended and "toughened up."

Joe DeFalco believed the only way to provide additional affordable housing was to open more mobile home parks.

Jerry Paris explained that he preferred living in a trailer park to a condominium. He asked for an extension of the moratorium and for continuation of the Task Force.

Ernest Kolra said closure of mobile home parks and redevelopment were two separate issues. He stated that the Town may have "the power and the authority to impose rules on redevelopment; you have no authority, no right to stop the park from closing." Mr. Kolra recommended that the Town work with the Federation of Manufactured Home Park Owners lobbying group and the Federation of Mobile Home Owners lobbying group.

Eric Swalley described an idea he had for a "mobile home condominium," a large structure where mobile homes could be vertically docked. The facility could also provide shared amenities and open space, and would allow for the units to be moved in and out.

Scott Cristle asked Council to extend the moratorium to allow time to implement solutions.

Mayor Truex closed the meeting to public comments.

Mr. Rayson advised that he would have some preliminary information by the Council's next meeting and would have more information by their first meeting in January.

Councilmember Starkey asked Mr. Rayson to work with Ms. Taylor-Prakelt to prioritize the recommendations. Councilmember Starkey suggested that Mr. Rayson, Mr. Chester, Ms. Riley, Ms. Taylor Prakelt and staff meet.

Mayor Truex indicated that the Town had already planned for long-term development of existing mobile home parks in areas such as the Traffic Oriented Corridor and the RAC and these plans included increased density. There were other areas of Town where recommendations could be implemented to preserve mobile home parks.

Mayor Truex felt that to a large extent, it seemed that the Task Force recommendations intended for the costs to be shouldered by the developer. He remembered a mobile home park owner who wanted the municipalities to bear the costs; however, he believed conversion of one or two large mobile home parks could bankrupt a municipality. Mr. Rayson noted that this was more difficult on a municipal level than on a countywide level. Mayor Truex stated that there must be a balance of financial responsibility. Mr. Rayson agreed that their approach must be balanced, reasonable and effective.

Councilmember Starkey said she was going to fight hard for her mobile home residents. She felt Council must first consider and act upon those recommendations that immediately protected mobile home residents.

Ms. Taylor-Prakelt read from State Statute 723-083, which stated, "No agency of municipal, local, county or state government shall approve any application for rezoning or take any other official action which would result in the removal or relocation of mobile home owners from such mobile home park without first determining that adequate mobile home parks or other suitable facilities exist for the relocation of mobile home owners." Ms. Taylor-Prakelt said the state attorney general and the secretary of the DCA agreed that "comparable" meant affordable. Since there was no comparable, affordable housing available, allowing a park to close would "fly" in the face of Statute 723-083.

Ms. Taylor-Prakelt reminded Council that the current moratorium would expire on February 21, 2008, and pointed out that there were mobile home parks currently being emptied out. She said it was unfortunate that nothing was being done to stop the mobile park owners from forcing people into homelessness.

Ms. Taylor-Prakelt agreed with Mayor Truex that everyone must share the burden off solving this crisis. She reminded Council that the park owners' right to redevelop was clearly contingent upon the privilege, not the right, to rezone from mobile home to something else.

There being no further business to discuss and no objections, the meeting was adjourned at 8:40 p.m.

Approved _____

Mayor/Councilmember

Town Clerk